

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED

2016 MAR 22 P 4:51

JON W. SANFILIPPO
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 16-CR-13 (CNC)

MYRON BURNS,
RUDY PAYNE, JR.,
DEANDRE MORGAN,
VIC CHAMBERS,
SIRG ALBRITTON, and
TOMMONTE JEFFERSON,

[18 U.S.C. §§ 371, 1951(a), 924(c), & 2]

Defendants.

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES:

1. Beginning by at least November 8, 2015, and continuing through at least December 20, 2015, in the State and Eastern District of Wisconsin and elsewhere,

**MYRON BURNS,
RUDY PAYNE, JR.,
DEANDRE MORGAN,
VIC CHAMBERS,
SIRG ALBRITTON, and
TOMMONTE JEFFERSON**

knowingly conspired with each other and with others to commit the following offenses against the United States:

- a. To unlawfully obstruct, delay, and affect and attempt to obstruct, delay, and affect commerce by committing the offense of robbery, in violation of Title 18, United States Code, Section 1951; and

b. To brandish, carry, and use a firearm during and in relation to and to possess a firearm in furtherance of a crime of violence, namely robbery, in violation of Title 18, United States Code, Section 924(c).

Object of the Conspiracy

2. It was the object of the conspiracy for the defendants to commit various armed robberies of cell phone stores in the Eastern District of Wisconsin and elsewhere. In so doing, the defendants used force, violence, and intimidation against business employees by means of possessing, carrying, and brandishing firearms. During the period of the conspiracy, the defendants stole various electronic devices by force and violence. The defendants then disposed of those cell phones for money.

Overt Acts in Furtherance of the Conspiracy

3. In furtherance of the conspiracy and to effect its object, on or about the dates indicated below, one or more of the defendants committed the following robberies:

Act	Date	Victim Business	Location
1	November 8, 2015	AT&T Wireless	632 E. Ogden Avenue Milwaukee, Wisconsin
2	November 22, 2015	AT&T Wireless	3001 S. 108th Street West Allis, Wisconsin
3	November 24, 2015	Verizon Wireless	300 E. Wisconsin Avenue Milwaukee, Wisconsin
4	December 4, 2015	AT&T	5101 36 th Avenue Crystal, Minnesota
5	December 6, 2015	US Cellular	9123 W. Lincoln Avenue West Allis, Wisconsin
6	December 14, 2015	US Cellular Telecom	1247 S. Cesar Chavez Milwaukee, Wisconsin
7	December 17, 2015	AT&T Wireless	2202 E. Moreland Boulevard Waukesha, Wisconsin
8	December 20, 2015	US Cellular	8111 W. Brown Deer Road Milwaukee, Wisconsin

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY CHARGES:

1. At all times material to this Indictment, AT&T Wireless Store, located at 632 East Ogden Avenue, in Milwaukee, Wisconsin, was a business engaged in the purchase and sale of articles and commodities in interstate commerce.

2. On or about November 8, 2015, in the State and Eastern District of Wisconsin,

MYRON BURNS and SIRG ALBRITTON

did knowingly obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery in that the defendants did unlawfully take and obtain electronic devices from and in the presence of an employee of the AT&T Wireless against his will by means of actual and threatened force, violence, and fear of injury.

All in violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 8, 2015, in the State and Eastern District of Wisconsin,

SIRG ALBRITTON,

as an aider and abettor, did knowingly use, carry, and brandish a firearm during and in relation to a crime of violence, for which he may be prosecuted in a court of the United States, that is Count Two of this Indictment.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. At all times material to this Indictment, Verizon Wireless Store, located at 300 East Wisconsin Avenue, in Milwaukee, Wisconsin, was a business engaged in the purchase and sale of articles and commodities in interstate commerce.

2. On or about November 24, 2015, in the State and Eastern District of Wisconsin,

**MYRON BURNS,
RUDY PAYNE, JR.,
DEANDRE MORGAN, and
SIRG ALBRITTON**

did knowingly obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery in that the defendants did unlawfully take and obtain electronic devices from and in the presence of an employee of the Verizon Wireless against his will by means of actual and threatened force, violence, and fear of injury.

All in violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 24, 2015, in the State and Eastern District of Wisconsin,

**MYRON BURNS,
RUDY PAYNE, JR., and
DEANDRE MORGAN**

did knowingly use, carry, and brandish a firearm during and in relation to a crime of violence, for which they may be prosecuted in a court of the United States, that is Count Four of this Indictment.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. At all times material to this Indictment, U.S. Cellular Telecom Store, located at 1247 South Cesar Chavez Drive, in Milwaukee, Wisconsin, was a business engaged in the purchase and sale of articles and commodities in interstate commerce.

2. On or about December 14, 2015, in the State and Eastern District of Wisconsin,

RUDY PAYNE, JR., and TOMMONTE JEFFERSON

did knowingly obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery in that the defendants did unlawfully take and obtain electronic devices from and in the presence of an employee of the U.S. Cellular Telecom against his will by means of actual and threatened force, violence, and fear of injury.

All in violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 14, 2015, in the State and Eastern District of Wisconsin,

TOMMONTE JEFFERSON,

as an aider and abettor, did knowingly use, carry, and possess a firearm during and in relation to a crime of violence, for which he may be prosecuted in a court of the United States, that is Count Six of this Indictment.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i) and 2.

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

1. At all times material to this Indictment, AT&T Wireless Store, located at 2202 E. Moreland Boulevard, in Waukesha, Wisconsin, was a business engaged in the purchase and sale of articles and commodities in interstate commerce.

2. On or about December 17, 2015, in the State and Eastern District of Wisconsin,

TOMMONTE JEFFERSON and SIRG ALBRITTON

did knowingly obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery in that the defendants did unlawfully take and obtain electronic devices from and in the presence of an employee of the U.S. Cellular Telecom against his will by means of actual and threatened force, violence, and fear of injury.

All in violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 17, 2015, in the State and Eastern District of Wisconsin,

TOMMONTE JEFFERSON and SIRG ALBRITTON,

as aiders and abettors, did knowingly use, carry, and possess a firearm during and in relation to a crime of violence, for which they may be prosecuted in a court of the United States, that is Count Eight of this Indictment.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i) and 2.

COUNT TEN

THE GRAND JURY FURTHER CHARGES THAT:

1. At all times material to this Indictment, U.S. Cellular Store, located at 8111 West Brown Deer Road, in Milwaukee, Wisconsin, was a business engaged in the purchase and sale of articles and commodities in interstate commerce.

2. On or about December 20, 2015, in the State and Eastern District of Wisconsin,

**MYRON BURNS,
RUDY PAYNE, JR.,
VIC CHAMBERS,
SIRG ALBRITTON, and
TOMMONTE JEFFERSON**

did knowingly obstruct, delay, and affect commerce and the movement of articles and commodities in commerce by robbery in that the defendants did unlawfully take and obtain electronic devices from and in the presence of an employee of the U.S. Cellular against his will by means of actual and threatened force, violence, and fear of injury.

All in violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT ELEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 20, 2015, in the State and Eastern District of Wisconsin,

**VIC CHAMBERS,
SIRG ALBRITTON, and
TOMMONTE JEFFERSON**

did knowingly use, carry, and brandish a firearm during and in relation to a crime of violence, for which they may be prosecuted in a court of the United States, that is Count Ten of this Indictment.

All in violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.

FORFEITURE NOTICE

1. Upon conviction of the offenses in violation of Title 18, United States Code, Section 1951, set forth in Counts Two, Four, Six, Eight, and Ten of this Superseding Indictment, the defendants shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses. The property to be forfeited includes, but is not limited to, a sum of money equal to the proceeds derived from the offense.

2. Upon conviction of the offenses in violation of Title 18, United States Code, Section 1951 set forth in Counts Four and Ten of this Superseding Indictment, the defendant, Rudy Payne, Jr., shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved in the commission of the offenses, including, but not limited to a Cobra, model FS380, .380 caliber pistol, bearing serial number FS068657.

3. If any of the property described above, as a result of any act or omission by a defendant: cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third person; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be subdivided without difficulty, the United States of America shall be entitled to forfeiture of substitute property, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

TRUE BILL:

[REDACTED]

~~FOR~~ PERSON

Dated: 3-22-2016


GREGORY J. HAANSTAD
United States Attorney